

To the Members of the California State Assembly:

I am returning Assembly Bill 1334 without my signature.

This bill would enact the Inmate and Community Public Health and Safety Act, which would allow any nonprofit or health care agency to distribute sexual barrier protection devices to inmates in state prisons.

As stated in my veto of AB 1677 last year, the provisions of this bill conflict with Penal Code Sections 286 (e) and 288 (e), which make sexual activity in prison unlawful. However, condom distribution in prisons is not an unreasonable public policy and it is consistent with the need to improve our prison healthcare system and overall public health.

Local jail systems in both Los Angeles and San Francisco have already implemented condom distribution programs. Therefore, I am directing the California Department of Corrections and Rehabilitation to determine the risk and viability of such a program by identifying one state prison facility for the purpose of allowing non-profit and health agencies to distribute sexual barrier devices.

Sincerely,

Arnold Schwarzenegger